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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (C) No. 4767 of 2007

PETITIONER		Sain Das, S/o. Garib Das, aged about 49 years, R/o. village Kansa, Tah. – Dabhara, District Janjgir-Champa (CG).
	Versus	
RESPONDENTS	1)	Union of India, through Secretary, RTI (Right to Information), Ministry, Department of Personnel and Training, New Delhi.
	2)	State of Chhattisgarh, through Secretary, Revenue Department, D.K.S. Bhawan, Raipur, (CG).
	3)	State Chief Information Commissioner, Nirmal Chhaya Bhavan, Meerdata Road, Shankar Nagar, Raipur (CG).
	4)	Collector, Janjgir-Champa, District Janjgir-Champa (CG).
	5)	Sub Divisional Officer (Revenue) (First Appellate Authority), Tahsil Sakti, District Janjgir-Champa (CG).
	6)	Tahsildar, Sakti, (State Public Information Officer) (Revenue), Tahsil Sakti, District Janjgir-Champa (CG).

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Smt. Meena Shastri, counsel for the petitioner.
Shri Bhishma Kinger, Standing Counsel for Union of India.
Shri Vivek Sharma, Panel Lawyer for the State.

ORDER

(Passed on 20th August, 2007)

Learned counsel appearing for the petitioner submits that pursuant to the appeal dated 28-12-2006, the respondent No.3/State Chief Information Commissioner directed the Collector vide order dated 14-2-2007 (Annexure P/8) to submit the requisite information as sought

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for by the petitioner to the petitioner. In spite of that the Collector, Janjgir-Champa, failed to submit required information as directed by the respondent No.3/State Chief Information Commissioner. The petitioner preferred a complaint to the State Chief Information Commissioner under the provisions of Section 18 of the Right to Information Act, 2005 (for short, "the Act, 2005") on 4-4-2007. The petitioner has not received any information so far and no action has been taken against the erring officer i.e., the respondent No. 4.

2) Section 18 of the Act, 2005 provides for powers and functions of the State Information Commission. Section 20 of the Act, 2005 provides for imposition of penalties in the event, the State Public Information Officer or any other information officer has, without any reasonable cause, refused to receive an application for information or has not furnished information within the specified time or mala fidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information.

3) The State Chief Information Commissioner is fully competent to deal with the situation wherein the petitioner has been denied information without assigning any reasonable cause. The petitioner has already preferred an application under the provisions of Section 18 of the Act, 2005 which is pending before the State Chief Information Commissioner.

4) At this stage, it is not necessary to go into the merits of the case. It is expected that the State Chief Information Commissioner, shall look into the complaint made by the petitioner under the provisions of Section 18 of the Act, 2005 and pass an appropriate order in accordance with

law as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order.

5) In view of the foregoing, this petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

raju